

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Public Servants - Proh. & Excise Department - Death of Sri Macha Narsaiah while in the custody of Proh. & Excise Station, Mancherial on 18.10.1997 - Criminal proceedings against Sri R. Pullaiah, Proh. & Excise Head Constable (Retd. /AO-2), formerly worked at P&E Station, Mancherial - Charge sheet - Judgment of the III Addl. Sessions Judge, Asifabad - Convicted - Punishment of withholding of full pension and entire gratuity permanently - Imposed - Orders - Issued.

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REVENUE (VIGILANCE-V) DEPARTMENT

**G.O.Ms.No. 1403**

**Dated:02-12-2010.**

Read the following:-

- 1) From the Collector & District Magistrate, Adilabad, Letter No. D3/1797/97, Dated 17.11.1997.
- 2) Judgment of III Addl. Sessions Judge (FTC), Asifabad dated 06.07.2006 in Sessions Case No. 376 of 2003.
- 3) From the Commissioner, Prohibition & Excise, Hyderabad, Letter Cr.No.11394/1999/C.PE/H3, Dated 24.7.2010.

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**ORDER:**

It has been brought to the notice of the Government that the Prohibition & Excise personnel, Proh. Excise Station, Mancherial arrested one Sri Macha Narsaiah, R/o. Bheemaram (v), Jaipur (M) at his house on 8.10.1997 for having prepared the illicit liquor. On 9.10.1997, the accused was produced before the Munsiff Magistrate, Luxettipet who endorsed to produce him on working day ie., 13.10.1997. On 12.10.1997 at about 7.50 hours the said accused was admitted in Govt. Hospital, Mancherial in an un-conscious state by the Proh. & Excise Inspector and subsequently the accused was referred to Osmania Hospital, Hyderabad for better treatment. He died on 18.10.1997 while undergoing treatment. A magisterial enquiry was ordered into the incident of death of Macha Narsaiah by appointing Revenue Divisional Officer & Sub-Divisional Magistrate, Mancherial.

2. Accordingly, the Revenue Divisional Officer & Sub-Divisional Magistrate, Mancherial conducted magisterial enquiry and furnished report. After examination of the post mortem examination report and also other issues involved in the case, the Revenue Divisional Officer & Sub-Divisional Magistrate, Mancherial has reported that the deceased Macha Narsaiah, had got injuries in the custody of Excise Station, Mancherial and it is the duty of the Excise personnel to look after the individual kept in their custody till producing him in the court. The Excise officials have failed to take care of the person kept in their custody and caused injuries in their custody only and the individual died due to Encephalopathy with renal failure. The Revenue Divisional Officer also reported that the Excise Officials, Station, Mancherial is held responsible for the cause of death of the deceased, Macha Narsaiah as the deceased was died due to Encephalopathy with renal failure which is possible due to the effect of the injuries. The Revenue Divisional Officer, finally opined that the cause of death of Macha Narsaiah is due to carelessness of the Excise personnel for which they are liable for action.

3. Government, after examination the matter accepted the Magisterial Enquiry Report and decided to initiate criminal action against the erring Excise personnel who were responsible for the death of the individual. Accordingly, after following due procedure, a charge sheet was filed and the case was moved to III Addl. District & Sessions Court, Asifabad vide Sessions Case No. 376 of 2003.

Contd..P.2.,

4. In the reference 2<sup>nd</sup> read above, the Hon'ble III-Addl. Sessions Judge, (FTC), Asifabad pronounced judgment on 6.7.2006 in Sessions Case No. 376 of 2003 and held that the A-1 to A-12 are found guilty of the offence under section 304 Part-II r/w 34 of Indian Penal Code and accordingly they were convicted under section 235 (2) of Cr. P.C. of the said offence.

5. In the reference 3<sup>rd</sup> read above, the Commissioner, Prohibition & Excise, Hyderabad has reported the matter to Government. In respect of Sri R. Pullaiah, Proh. & Excise Head Constable (retired on 31.8.2004 & Accused Officer-3), the Commissioner, Prohibition & Excise, Hyderabad has informed that the Prohibition & Excise Superintendent, Adilabad withheld all pensionary benefits vide his Procs. Rc.No. A1/1043/99, dated 9.7.2006.

6. Government, after careful examination of the matter, observe that Sri R. Pullaiah, P&E Head Constable retired from service on 31.8.2004. Whereas the Prohibition & Excise Superintendent, Adilabad imposed the penalty on 9.7.2006 ie., after his retirement and therefore the orders are not in accordance with A.P. Revised Pension Rules, 1980 as Government are alone competent to issue orders in this regard. Keeping in view the above, Government have decided to issue orders at their level duly super-ceding the orders of Prohibition & Excise Superintendent, Adilabad issued in Procs. Rc. No. A1/1043/99, Dt: 9.7.2006.

7. Accordingly, Government, after examination of the matter as per rule 8 (2) of the A.P. Revised Pension Rules, 1980 read with rule 9 of the said rules, hereby impose the punishment of withholding of the pension and gratuity in full permanently on Sri R. Pullaiah, Prohibition & Excise Head Constable (Retd./ Accused Officer -3) former worked at P&E Station, Mancheria for the conduct which led to his conviction in Sessions Case No. 376 of 2003, dated 06.07.2006 duly super-ceding the orders of Prohibition & Excise Superintendent, Adilabad issued in Procs. Rc.No. A1/1043/99, dt: 9.7.2006.

8. The Commissioner of Prohibition and Excise, Hyderabad shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
Sri R. Pullaiah, Proh. & Excise Head Constable (Retd.)  
formerly worked at P&E Station, Mancheria  
through Commissioner of Prohibition & Excise, Andhra Pradesh, Hyderabad.  
The Commissioner of Prohibition & Excise, A.P., Hyderabad.  
(with a request to serve the G.O. on the individual and send the served copy with dated signature to Govt. for record.)  
Copy to:  
The Accountant General, A.P, Hyderabad.  
The General Administration (L&O-I) Department.  
The Prohibition & Excise Superintendent, Adilabad.  
The PS to Principal Secretary to Government, Revenue Department,  
The Revenue (Excise-I) Department.  
SF.

// Forwarded :: By Order //

SECTION OFFICER.